

# CHARTER WOULD PUT HOBBLES ON WALDO

In Amended Form Prevents Commissioner from Disciplining Force Under Him.

## PROTESTS ON ALL SIDES

Instrument Also in Many Respects Leaves Controller Powerless to Protect Best Interests of City.

Albany, Sept. 20.—The mysterious political power which brought about the passage of the three platoon police bill against the protests of many upstate cities and despite its disastrous effect on the traffic, bridge and harbor squads in New York City, has made itself felt in the latest draft of the New York City charter.

Maybe Mayor Gaynor knew about these provisions when he said the charter was "perfect" and didn't contain a single wrong thing. Yet the Mayor, from time to time, as a judge and citizen, has had harsh things to say of police performances, and certainly the things in this charter, as it stands now, would not tend to hamper or restrain the brutal, lawless or grafting policeman. Indeed, if the police "system," which Commissioner Bingham tried hard to break up, didn't flourish under such law it would be because the enactment of this charter in some fashion had repealed the laws of human nature.

These new provisions would put the hobbles on Commissioner Waldo in his efforts to build up an honest and efficient police force. One of them would take away a means of disciplining sergeants—formerly roundsmen—which has existed since the enactment into law of the present charter. Another would practically put a premium on insubordination of all kinds by stipulating that delinquency of any kind shall not count against a candidate for promotion after three years. Still another would limit the Commissioner's power in appointing detectives, thus tending to limit his ability to get an efficient detective bureau.

Assemblyman Foley, who comes from Charles F. Murphy's Assembly district, made a hurried trip to Middletown to-day to see the Tammany boss about charter matters. He returned to-night with Murphy's orders and went to work on the document with a few of the other charter tinkers. There will be a meeting of the Cities Committee to-morrow to take up the charter and its various amendments, under the Murphy edict.

## BRONX SENATORS PROTEST.

A new complication was introduced into the charter to-night by the declaration of Senator Stillwell, of the Bronx, that there were "certain things" in the charter which he didn't like. He said he and his colleague from the Bronx, Senator Griffin, hadn't decided yet whether they would vote for it, and that, if he didn't like it, he wouldn't.

"Tammany has got nothing on me," he said. "I'm no tiger's cub, and may be I can set up the slogan, 'Keep the Tiger Below the Bronx!'"

The meaning of this surprising declaration of independence is that the new Congressional appointment scheme cuts the Bronx in sections, a sort of vernacular appendix for several other sections of the state. Stillwell's "kick" is that no part of the Bronx is hitched to other territory which it can dominate. As a result, some of the appointment makers are laboring to-night to revamp the map so the two Bronx votes can be registered for the Gaynor-Tammany charter.

Senator Roosevelt Dissatisfied.

Senator Roosevelt also had a "kick." Dutchess County was thrown into a district with Orange and Putnam, which Orange would dominate. That stirred the ire of Dutchess and Roosevelt went off the appointment reservation. He is a so-called insurgent, and the regulars will take pleasure in doing whatever they can to disturb and annoy him. The appointment bill has turned out to be a fine specimen of Tammany bill drafting. It is so full of technical errors that it will have to be entirely redrawn. Aaron Levy, chairman of the Assembly Judiciary Committee, has that pleasant job. Tammany knows it can depend on Aaron.

The discovery of these new police jokers may get upstate Democrats stirred up, despite Tammany. Police graft and a wide-open town are things which don't go down well with the average upstate Democrat. If the charter provisions even remotely likely to make them possible there will be a howl. The capital city is now undergoing the preparatory throes of a Democratic legislative investigation on rumors of that nature. Laurence, Tanzer, chairman of the Citizens Union charter committee, had a little to say to-night regarding the police provisions of the charter. It is considered "the worst" of the charter, and he said that all attempts of honest commissioners to destroy abuses and eliminate the protection of crime, a remedy was sought through the enactment of the Bingham legislation of 1907, giving the Commissioner additional power of discipline by authorizing him to reduce inspectors to the rank of captain. This power, to be sure, is not taken away by the latest draft of the Cullen-Foley charter, but a power of discipline probably still more important is vital.

The power to reduce sergeants to patrolmen is abolished. This is accomplished by striking out nine words from Section 271 of the former draft.

The present charter provides, and has provided ever since its enactment, that the Police Commissioner may reduce sergeants to the grade of patrolmen after trial upon charges (Section 288). The only change in this provision since the enactment of the present charter was made by the Bingham legislation of 1907, which abolished roundsmen and substituted sergeants in their place as the officers thus subject to discipline. This provision was omitted in the original Cullen-Foley draft, but it was retained in the present charter included in a general provision by which the uniformed forces—Police, Fire and Street Cleaning—power to punish misconduct by a reprimand, fine, loss of allowance, extra duty, suspension without pay, reduction in rank or grade or dismissal from the force.

One of the amendments just introduced, however, strikes out of Section 271 the provision for punishment by reduction in rank or grade or by extra duty, and fails to restore the express power of the Commissioner to reduce sergeants to patrolmen. The effect is to take away that power.

One of the most effective checks upon misconduct by members of the force consists in the knowledge that any delinquency will count against the guilty member in his record. This check is considerably lessened by a provision in the Cullen-Foley charter, retained in the latest revision that a candidate for promotion shall not be charged with delinquency, no matter how serious, which shall have occurred more than three years prior to his examination for promotion.

## FAIL TO RESTORE POWER OF AUDIT.

Careful examination of the amended charter shows that if the charter tinkers endeavor to restore the Controller's powers of audit, as they promise to do, they make a lamentable failure of the job. They do not restore his complete power of audit over payrolls. Neither do they restore his complete power of audit as to contract claims. In fact, certain new provisions of the amended charter are of much importance to contractors, and would, if an analysis of their effect made by Laurence Tanzer, one of the Citizens Union's charter experts, shows their full significance, practically place the city at the mercy of the contractors. The Citizens Union recently called on Assemblyman Foley, one of the most active of Tammany men in revamping the charter, to retire from that work and resign his committee chairmanship, because he was counsel to the Interborough Contractors' Association.

Regarding the Controller's power to audit payrolls, the amendments to the proposed charter provide that he may not question the payrolls or dispute the due performance of duties by an officer or employee, except when necessary to prevent fraud or waste. Part of this provision is the same as that in the existing charter, which provides that the Controller in his audit may not question the due performance of the duties of the head of a department. The amendment, though, would prevent the Controller from questioning the due performance of the duties of any officer or employee, except to prevent fraud or waste, a broad proposition, which lawyers say might easily lead to padded payrolls and reckless and improper spending of the city's money, just inside the legal line of "fraud or waste."

## CITY AT MERCY OF CONTRACTORS.

Even more important are the provisions regarding contractors and contractors' claims. The proposed charter provides that the city engineer shall examine, test, analyze and certify all apparatus, appliances and materials used, or to be used, in the construction of a general improvement or which may be referred to him by the head of a department. Subsection 6 of the same section contains the following provision: "The certificate of the city engineer as to the result of an examination, test or analysis made by him shall be conclusive as to the city."

Of this Mr. Tanzer says: "If the Controller should question the claim of a contractor on the ground that he had not furnished apparatus, appliances or materials of the interest of the city, the contractor, and the contractor could produce the certificate of a friendly city engineer, the Controller would be bound by the certificate, and that the same would be the case if the contractor produced such a certificate under this provision would be conclusive on the city. The Controller, in another part of the charter, is precluded from going behind the certificate, however erroneous or even fraudulent it might be."

## WOULD BE BOUND BY CERTIFICATE.

One of the provisions in the former draft which met with most criticism as destroying the Controller's auditing power was that which provided that the Controller should be bound by the certificate of the head of a department of the amount due on a contract. This provision the draftsmen of the amendments have eliminated. While the pretense of the amendment, the Controller from that limitation upon his auditing power, but at the same time by this new joker, in another part of the charter, where it would not be looked for, they have established another equally effective limit upon the Controller's auditing power in the certificate of the city engineer.

The provisions referred to not only limit the Controller's auditing power, but they also give contractors an unfair and improper advantage against the city. The certificate of the engineer is binding on the city, but not on the contractor. A contractor could contest the certificate of a city engineer that his materials were defective, but if a friendly engineer should mistakenly or fraudulently certify that the materials were up to the standard, the city would be absolutely precluded from protesting the certificate. The provision could, therefore, have been inserted only in the interest of contractors, and not for the protection of the city, because it does not protect the city in any way and can operate only to place the city at the mercy of a contractor.

## COLD STORAGE AVERTS RIOTS

Equalizes Food Prices, Egg Expert Tells Chicago Business Men.

Chicago, Sept. 20.—Food riots as serious as those disturbing European cities are averted in America by the cold storage industry, said Charles E. McNeill, secretary of the National Poultry and Egg Association, who spoke to-day before the Chicago Association of Commerce.

"The cold storage industry is the great modern equalizer of food for food, and legislation which seeks to limit butter, poultry and egg storage to three months would result in exorbitant prices late in the year."

## WHITE'S JOB IN DANGER

Referee Must Explain Why He Didn't Stop Brutal Fight.

## COMMISSION TO QUIZ HIM

Slaughter of Carl Morris Could Have Been Averted by Observance of the Law.

"Charley" White, the Walter Camp of prizefighting, may lose his license as a referee as a result of a gory bout between Carl Morris and "Jim" Flynn last Friday night at the Garden. Although neither Commissioner O'Neill nor Commissioner Dixon would express his opinion of the slaughter which White permitted to continue for ten rounds, it was considered highly significant that the two should concur yesterday afternoon in issuing an order requiring the famous referee to show cause why he should not forfeit his license for failing to stop the fight. White must appear before the commission to-morrow for examination.

The issuance of this order was the most important business to come before the commission at yesterday's meeting. The question of the lease of Madison Square Garden held by the Madison Square Athletic Club, represented by "Pat" Powers and Harry Pollock, had to go over until Governor Dix should appoint a third commissioner in place of James E. Sullivan, who resigned.

At present Commissioner O'Neill is in favor of revoking the club's license, because he considered the lease an evasion of the Frawley law, while Commissioner Dixon is just as strongly opposed to any such action.

"How can anything be done until the Governor appoints another commissioner," said Mr. O'Neill yesterday in discussing this deadlock. "I do not know when the appointment will be made or who the new man will be, but in the meantime the decision regarding the lease and other points in the inquiry concerning the club must go over for the present."

Commissioner O'Neill has an appointment with the Governor to-day in Albany. At the conference between them it is expected the Governor will announce a successor to Mr. Sullivan and also make clear his own attitude toward the Madison Square Garden case.

Governor Dix has wired to the commission for a transcript of the evidence in the case. Mr. O'Neill went on, "Including the testimony of Patrick T. Powers. I am sure the case will be disposed of as soon as a new commissioner is appointed. He will have to be from the 24 District, and he may be appointed by the Governor to-morrow."

A copy of the evidence was forwarded to the Governor. Tuesday he was in conference with the boxing situation with Commissioner O'Neill, Senator Frawley, the author of the boxing law, and the Governor's secretary, John A. Mason.

At the New York office of the Attorney General Deputy Attorney General McQuaid said he had received no request from the commission to butt into the boxing situation. District Attorney Whitman also repudiated the suggestion that his office was in any way connected with the case.

Commissioner O'Neill has told "Pat" Powers that he would give him forty-eight hours' notice of any action to be taken against the Madison Square Athletic Club.

The commission appointed yesterday these additional referees: John J. O'Brien, John J. Walsh, Maxwell E. More, formerly with the New York Athletic Club, and Charles J. May, of Brooklyn. It also gave license to the clubs. The Irish-American Athletic Club, the Houston Hippodrome Club, the Spring Valley Country Club, of Spring Valley, Rockland County, N. Y.; the Greensburg Athletic Club, of Elmford, N. Y.; and the Liberal Athletic Club, of Port Richmond, Staten Island.

Applications from the Buffalo Athletic Club and the Knickerbocker Athletic Club, of Albany, went over to the next meeting of the commission, at 2 o'clock to-morrow afternoon.

## ALBANY HAD A SHOCK

Heard That Barnes Had Dropped Dead—Was in Dentist's Chair.

(By Telegraph to The Tribune.) Albany, Sept. 20.—This city was genuinely excited this afternoon when a report spread that William Barnes, Jr., the chairman of the Republican State Committee, had dropped dead from a heart attack at the Fort Orange Club. Coming out of its traditional Dutch lethargy, the town was stirred a little a few weeks ago when "Packy" McCabe, the Senate clerk, announced that he was going to investigate the city, but the excitement was nothing to the suspense that prevailed for a brief half hour to-day.

The telephone wires to Republican headquarters, and also to Mr. Barnes's secretary, were kept hot with requests to learn if the report was true. At the same time anxious Republican city and county officeholders began to make tracks for the Republican headquarters. In the mean time Mr. Barnes's secretary got busy on the wire himself, to see what there was to it. He learned from Mayor McEwan that he and the state chairman had only half an hour before left the Fort Orange Club. The Mayor said that he was going to a dentist to have a tooth attended to. The dentist was immediately called up.

"Have you seen anything of Mr. Barnes?" asked the excited secretary. "Why, he is just walking out the front door. Do you want to talk to him?" came the answer. "No," replied the relieved secretary, as he hung up the receiver and sank back in his chair. Albany Republicans are now trying to figure out who started the report.

"I suppose," remarked one of them, "some McEwan man said to another, 'When "Packy" gets through with that investigation Barnes will drop dead,' and some excited person heard only the last two words."

## SEEKS HUSBAND'S ARREST

Wife of Ex-Senator Frank J. Gardner Wants Her Alimony.

Justice Clark, of the Supreme Court, signed a warrant in Brooklyn, yesterday for the arrest of ex-Senator Frank J. Gardner for contempt in failing to pay to his former wife, Elizabeth H. Gardner, \$20,000 alimony and furnishing security of \$2,000 that he would not let his payments fall in arrears again.

By the divorce decree granted his wife Gardner was to pay her \$100 a month. The warrant signed yesterday is couched in broad enough terms so that any sheriff in the state can lock him up in whatever county he is arrested. If arrested he must either pay the money or free himself of the charge of contempt.

Gardner was a prominent politician in the old 11th Assembly District, Brooklyn, and was sent to the Senate as the protégé of Timothy L. Woodruff. He was an ardent friend of the race-track interest, and was once arrested on a charge of the attempted bribery of Otto G. Poelker, then a member of the State Senate. Gardner was freed of the charge and has been living in Pittsburgh for the last few years.

## SCHOOL TO CELEBRATE CENTURY

Public School 2, at No. 116 Henry street, will celebrate its 100th birthday early in November. Jasper Preyer, 60; William Pollock, 50; Frederick H. Wright, 57; Julia Richman, district superintendent, and Edward Pollock, 64 are co-operating with the alumni association to arrange an appropriate programme. Many old-time pupils of the old 7th Ward have written that they will attend the celebration.

## Of Interest to Women

### REVIVAL OF OLD MODES

Inspirations from the Past Ruled by Modern Taste.

The popularity of tassets, fringes and puffs for trimmings on the new gowns of the season, as well as the continued vogue of the debau and surplice effects and the high waistline, are responsible for the rash statements made by laymen that the styles of to-day are exactly like those of yesterday. They urge women to turn to the ancient and yellowish volumes of "Godey's Lady's Book," and from these pages choose the designs for their own

### REAL "MILITANT" ARRIVES

Bronx Suffragette Grows Warm Over Her Ideas and Salary.

A bomb from the other side of the ocean has been dropped into the Woman Suffrage party. It is about 5 feet 4 inches long, and it is called Miss Elizabeth Freeman. This bomb was carefully primed by Mrs. Pankhurst's party in England and shipped over here by Mrs. Carrie Chapman Catt during her recent stay in that country, but now that it is here, half the women of the party are standing on one side holding

what happened," said the leader from the Bronx, fervently.

"Mrs. Catt," she went on, "wouldn't approve of a militant representing our party."

"On the contrary, if Mrs. Catt had not sent me, if she had not told me in London that she approved the English methods for England, that if ever they became necessary in America she would approve them here, I should never have come," cried Miss Freeman.

"Well, we've come to a pretty pass!" exclaimed the Bronx leader, waving the air with both arms. "We're so poverty stricken for good speakers here, are we, that we've got to import them from England? The American women must be amused—here her voice took on a mimicking tone—"and so we must bring over some of these clever suffragists from England to tell them what is what!"

"We must, must we? And pay our money to them while we work for nothing?"

"Do you mind having your name used?" asked the reporter.

"Good gracious, don't put my name in the paper!" cried the Bronx leader. "I was just conversing." Then she went on conversing and waving the air.

Next Yorkers will have a chance to see what Miss Freeman is like to-morrow night, when she will speak at a street meeting at Broadway and 7th street.

Those who attend will probably hear some caustic remarks about the Western Governors who criticized the English militants at the meeting at Cooper Union last Saturday night.

"Standing there," Miss Freeman observed yesterday, "telling us that we must be lady-like and quiet, and we may get what we want. Ah, if they knew what we endured in England! I couldn't have stood it much longer. I told Christabel Pankhurst that even for the cause I would never go on another expedition, to be battered and handled in the vulgar and disgusting manner in which the English handled us."

"They say we hurt policemen. But one officer was ever hurt in dealing with us, and he was cut by a cane he broke over a suffragist's head."

A member of the Woman Suffrage party who approves of Miss Freeman's coming here is Miss Ida Craft, of Brooklyn. "We've been ladylike and quiet, and we haven't got results," she said last night. "These legislators in Albany have fooled us long enough. It's time to try different tactics with them."

## WOMAN TOWN CLERK.

Miss Emily McSheehy, a girl of seventeen, has been appointed town clerk of Byron, New South Wales. Miss McSheehy acted as assistant to her father (the town clerk) for a year or two, and the Council duty so well that the Municipal Council unanimously elected her for the position. She is the youngest town clerk in the world.

## EASY RECIPES FOR HEALTH AND BEAUTY

FINE BEAUTY LOTION.—To give the complexion a smooth, clear, refined look, nothing better can be used than a lotion made by dissolving four ounces of sorbus in one-half pint hot water; with two teaspoonfuls glycerine added. This makes all evidence of a shiny, sallow skin, and gives to it a beautiful appearance. It is invisible when on the skin and lasts many hours.

HARMLESS FLESH-REDUCER.—Fatty tissues reduce readily by using paraffin. Dissolve four ounces of paraffin in one-half pint of hot water; add a tablespoonful before each meal. This harmless treatment takes away the fat without wrinkling the skin. In this manner a most satisfactory reduction in weight can be attained in a short time without resorting to exercise and a restricted diet.

TO BASH PUZZY GROWTH.—Powdered talcote is a quick and reliable hair remover. Get an ounce of talcote from your druggist and mix enough with water to cover the hairs you want. After two or three minutes rub off and wash the skin. Rarely is it necessary to use the second application, and although talcote costs a dollar an ounce it is worth every cent you pay.

SALTY SALLOW COMPLEXIONS.—A sallow skin is due to bad blood, and the best way to overcome it is to take a good system tonic and energizer. By dissolving one ounce of kaffee and one-half ounce of sugar in one-half pint alcohol, then adding hot water to make a quart, one has as good a remedy as can be found. A tablespoonful taken before meals soon clears the blood, brings back color to the face, and gives one a vigorous and energetic. It is a matchless tonic for restoring lost appetite and correcting general minor ills.

"Do you mean to say," she demanded of the press chairman, who was sitting by, "that it's to be spread broadcast through the city that this militant suffragist has been brought from England to represent the Woman Suffrage party? Do you think America will stand for the methods this girl has been describing? Don't you know this move will hurt our party badly?"

"Conditions are different in America," said Miss Freeman. "If you were treated as we in England were treated you would resist, too."

"I wouldn't fight a policeman, no matter

back their skirts and saying, "What if it should go off?" while the other half stand on the other side and say, "Well, a good thing if it did."

Miss Freeman, a Brooklyn girl originally, went to England in 1906, and has been whirling about in the storm centre of the militant suffragist movement ever since. She has probably been arrested more times, been in jail more times, heckled more politicians and seen more fights than any surviving suffragette, and when it was announced that she was coming over here on a salary to act as organizer for the Woman Suffrage party, the more conservative members of the party were aghast, also wrathful that an English importation should be salaried while the Americans, they say, are "slaving for nothing."

But secure in the knowledge that the party's city committee approves her coming, and that its chairman, Mrs. Catt, and Miss Katherine Dreier, Miss Mary Dreier's sister, have guaranteed her salary—it isn't as big as the one she got in England, but she "loves America," she says—Miss Freeman was quite gay and confident when she appeared at the party headquarters in the Metropolitan Tower yesterday morning.

While she was giving the Tribune reporter a vivid account of what she suffered in what suffragists call last November's "battle of Downing street," and how for quizzing John Burns at a political luncheon she was pushed across the table and hustled off by six stewards with rivulets of salad dressing, blanc mange and meat gravy trickling down her torn gown, a little woman with graying hair, an Assembly district leader for the party in the Borough of The Bronx, looked up from the suffrage dodgers she was addressing for the mail.

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